

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

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|------------------------------|---|---------------------------|
| JUAN JOSE DELEON, #1192404 | § | |
| | § | |
| V. | § | CIVIL ACTION NO. G-05-561 |
| | § | |
| DOUG DRETKE, DIRECTOR, | § | |
| TEXAS DEPARTMENT OF CRIMINAL | § | |
| JUSTICE, CORRECTIONS | § | |
| INSTITUTIONS DIVISION | § | |

ORDER OF DISMISSAL

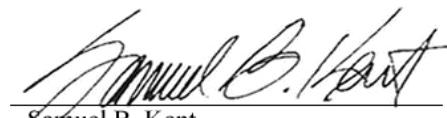
Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on April 13, 2006, which recommends that the Application for Writ of Habeas Corpus of Juan Jose DeLeon be dismissed. DeLeon has filed objections to the Report and Recommendation, re-asserting his argument regarding the inadequacy of the testing procedure which resulted in his testing positive for marijuana.

As correctly stated by the Magistrate Judge, a prison disciplinary proceeding will not be overturned unless there is *no evidence* to support the decision of the disciplinary court. Having reviewed the evidence in this case, this Court is of the opinion that the findings made by the disciplinary court are supported by the record.

Having given this matter *de novo* review as required by 28 U.S.C. §636 (b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of federal law and should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein.

It is **ORDERED** that the Application for Writ of Habeas Corpus of Juan Jose DeLeon is **DENIED** and this cause is **DISMISSED** with prejudice.

DONE at Galveston, Texas, this the 4th of May, 2006.



Samuel B. Kent
Samuel B. Kent
United States District Judge